

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)
)
v.) Case No. 1:21-CR-00231-TCB-CMS
)
JACK FISHER)

**UNITED STATES’ OPPOSITION TO
DEFENDANT’S OBJECTIONS TO REPORT AND RECOMMENDATION ON
MOTION TO DISMISS FOR PRE-INDICTMENT DELAY (Dkt. Nos. 414, 415)**

The United States previously fully addressed¹ defendant Jack Fisher’s arguments in support of his motion² to dismiss for pre-indictment delay in its brief opposing the motion (Dkt. No. 314). The United States hereby adopts its prior arguments in response to Fisher’s objections to the report and recommendation.

For the reasons stated in the United States’ Opposition to Defendants’ Motion to Dismiss for Preindictment Delay (Dkt. No. 314), in the Report and Recommendation on the defendants’ motion (Dkt. No. 387), as well as above, the

¹ To the extent Fisher discusses generically “other witnesses that have passed away” that he did not include in his original motion (Dkt. No. 414 at 7), he has not shown—or claimed—that the information was not available from other sources and thus has not demonstrated that he was actually prejudiced. *United States v. Corbin*, 734 F.2d 643, 648 (11th Cir. 1984). Additionally, Fisher also failed to show that the government engaged in any deliberate delay to gain a tactical advantage.

² Defendant James Sinnott joined Fisher’s motion (Dkt. No. 292) but did not file any objections to the report and recommendation.

United States respectfully requests that the Court overrule Fisher's objections (Dkt. Nos. 414, 415), adopt the Magistrate Judge's Report and Recommendation (Dkt. No. 387), and deny the defendants' Motion to Dismiss for Pre-indictment Delay (Dkt. Nos. 221, 292).

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 7.1(D) and 5.1(C), the undersigned hereby certifies that the foregoing United States' Opposition to Defendant's Objections to Report and Recommendation on Motion to Dismiss for Pre-Indictment Delay (Dkt. Nos. 414, 415) is prepared in Book Antiqua, 13-font.

By: /s/ Jessica Kraft
JESSICA A. KRAFT
Trial Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2023, this document was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notifications to counsel of record.

By: /s/ Jessica Kraft
JESSICA A. KRAFT
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